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## Education in the Scottish Parliament

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### **PREAMBLE**

This paper follows on from the previous bulletin (Redford 2010), which covered the education and lifelong learning remit of the Parliament's Education Lifelong Learning and Culture Committee between September 2009 and February 2010. The following bulletin covers the same remit of the Education Lifelong Learning and Culture Committee from February to August 2010, during the third session of the Parliament (2007 – 2011).

### **FEBRUARY - SEPTEMBER 2010**

The Education Lifelong Learning and Culture Committee had the following members during this period: Karen Whitefield (Convenor), Kenneth Gibson (Deputy Convenor), Alasdair Allan (from 02.06.10), Claire Baker, Aileen Campbell (to 26.05.10), Ken Macintosh, Christina McKelvie, Elizabeth Smith and Margaret Smith. Full records of the committee meetings, including minutes, official papers and transcripts of proceedings can be found on the Scottish Parliament website at:

<http://www.scottish.parliament.uk/s3/committees/ellc/meetings.htm>

During this period the committee carried out a scoping exercise on local authority funding for education and children's services. They considered the assessment framework for the Curriculum for Excellence, Offender Learning and returned to the issue of class sizes. They worked on Stage 1 of the Children's Hearings Bill and the Additional Support Needs Amendment Act. They heard evidence from panels on the draft budget and school estates, and considered a small number of subordinate instruments relating to education. They agreed their work programme in private at their meeting on the 3 February 2010.

### **LOCAL AUTHORITY FUNDING OF EDUCATION AND CHILDREN'S SERVICES**

The committee agreed at their meeting on 4 November 2009 to conduct a scoping exercise on local government funding of education and children's services. They began to take evidence for this at their meeting on the 3 February and completed this on the 9 and 16 June 2010. This followed 4 visits to local authorities: Argyll and Bute Council (2 March), Dundee

City Council (16 March) Clackmannanshire Council (25 May) and City of Edinburgh Council, (8 June). Official papers issued to committee members relating to the exercise can be found at: <http://www.scottish.parliament.uk/s3/committees/ellc/papers-10/edp10-03.pdf>

| Date of Committee | Witnesses   |
|-------------------|---|
| 3 February 2010   | <ul style="list-style-type: none"> <li>• Sarah Smith, <i>Children, Young People and Social Care Directorate, Scottish Government</i></li> <li>• Colin MacLean, <i>Learning Directorate, Scottish Government</i></li> <li>• John Ireland, <i>Education Analytical Services, Scottish Government</i></li> <li>• David Henderson, <i>Local Government Division, Scottish Government</i></li> </ul>                             |
|                   | <ul style="list-style-type: none"> <li>• Caroline Gardner, <i>Deputy Auditor General for Scotland, Scottish Government</i></li> <li>• Graeme Greenhill, <i>Portfolio Manager, Children, Education and Lifelong Learning, Scottish Government</i></li> <li>• Gordon Smail, <i>Portfolio Manager, Local Government Scottish Government</i></li> </ul>   |
| 9 June 2010       | <ul style="list-style-type: none"> <li>• Robert Nicol, Barbara Lindsey and Sarah Fortune, <i>COSLA</i></li> </ul>   |
| 16 June 2010      | <ul style="list-style-type: none"> <li>• Michael Russell MSP, <i>Cabinet Secretary for Education and Lifelong Learning, Scottish Government</i></li> <li>• Colin Reeves, <i>Options and Partnerships Division, Scottish Government</i></li> <li>• David Henderson, <i>Local Government Division, Scottish Government</i></li> <li>• Lesley Fraser, <i>Safer Children, Stronger Families, Scottish Government</i></li> </ul> |

The deputy convenor began the meeting on the 3 February by asking Colin MacLean to make an opening statement about the allocation of funding from the Scottish Government to local authorities. In response Colin MacLean gave the following summary of the supporting paper the Scottish Government had presented to the committee:

In the current spending review period, up to the end of 2010-11, the Scottish Government will have provided £35 billion to local government, which is about a third of the total Scottish budget. Scottish Government revenue grant supports about 80 per cent of total local authority net revenue expenditure; the remainder is funded largely from the council tax. Revenue grant is allocated among local authorities under a needs-based formula that was developed in consultation between central and local government. It is for each council to allocate the total financial resources that are available to it on the basis of local needs and priorities while ensuring that it fulfils

its statutory obligations and the jointly agreed set of national and local priorities, which include the Scottish Government's key strategic objectives and a number of jointly agreed commitments (MacLean, 03.02.10, Col 3014)

He went on to describe the way in which the education and lifelong learning portfolio budget was allocated to further and higher education, student awards and Skills Development Scotland; with the remainder used to support national organisations and development work. The type of funding which did go directly from the Government to local authorities for education and children's services included £19.2 million for Determined to Succeed in 2009-2010. He used these figures to make the point that direct funding by the Scottish Government was a small part of the overall education funding:

. . . the percentage of local authority education funding for which the education and lifelong learning portfolio pays directly is less than 5 per cent. That figure has been lower since the concordat was signed, but it is worth noting that the Scottish Government has never funded more than a very small fraction of the total local authority spending on education and children's services and has never prescribed how much should be spent in total on those services (MacLean, 03.02.10, Col 3105).

He then described the way in which the concordat and single outcome agreements with each local authority had replaced the use of ring-fenced funding to pursue policy objectives; and that the detail of service delivery was a matter for individual councils. He concluded that although Ministers are not directly responsible for the delivery of education services, they had an overview of that delivery through nationally accountable bodies such as the Scottish Qualifications Authority (SQA) and Learning and Teaching Scotland (LTS).

The convener began the questions by asking about the loss of 'control and influence over spending' (Whitefield, 03.20.10, Col 107) in the new funding arrangements. Colin MacLean replied that there was a change in approach, in that the Government was now working with local authorities to influence rather than direct the delivery of services. He then described the structures in place for the development of the Curriculum for Excellence, which Sarah Smith followed with an outline of the arrangements for the funding of the Early Years Framework. The convener asked that the panel respond with examples related to specific issues such as class sizes and teacher numbers rather than complex policy developments and how the detail of those negotiations are managed. In reply David Henderson outlined the quarterly discussions that the Government holds with the Convention of Local Authorities Association (COSLA) who represent the 32 councils. Margaret Smith asked about the funding of free school meals and class sizes, in response to which David Henderson said that each initiative had to be costed and negotiated with COSLA. In response to this Colin MacLean added that the negotiations also had to address what was achievable within the existing systems. The questioning then moved onto the detail of funding

and how the money available to the Cabinet Secretary for particular policies was allocated to local authorities. Ken Macintosh returned to the issue of funding for policies on class sizes and teacher numbers, to which Colin MacLean replied that they had no budget figures for the implementation of these policies: 'We hear from councils, ... what they are doing, it is for them to decide' (MacLean, 03.02.10, Col 3120). Elizabeth Smith then asked about the measurement of performance, to which Colin MacLean replied that the Government looked at performance across the schools system and did not measure budgetary performance. The discussion moved to the performance agreement made with COSLA and the national performance framework. Colin MacLean described how the set of 44 indicators work together to demonstrate if the 15 national outcomes are being met, and gave the example of how work on health in schools could be linked into an outcome on alcohol related admissions to hospitals. The committee concluded the evidence from this panel by returning to the issue of the change in relationship between local and national government and how the outcomes could be scrutinised by parliament. In particular they discussed the evidence from policy objectives that was then supplemented by information from the inspectorate on developments in practice. The committee then heard evidence from the second panel of witnesses, who described the work of the audit commission in managing the budget process. The convener began by asking about the accountability to ministers in the budget processes, to which Caroline Gardner replied that the processes were not actually much changed from before the concordat agreement. 'Our view is that the concordat implies greater availability of information about what is being achieved with the money that is spent, but that that has not yet been fully developed in practice' (Gardner, 03.02.10, Col 3132). She went on to explain that the systems were not explicit enough in the ways that councils reported outcomes for their communities. In response to a question from Margaret Smith about ring-fenced funding Caroline Gardner said:

I am not sure that ring-fenced funding is the only way in which to ensure that we make progress on priorities. That can also be done by estimating how much money is needed by each council, allocating that money, and then checking that they spend it in the relevant area (Gardner, 03.02.10, Col 3134).

Margaret Smith followed this with a question about sanctions, in answer to which Caroline Gardner reiterated Colin MacLean's statement that there were no sanctions in the funding arrangements, as they were based on population needs, not on good performance. She went on to explain the ways in which Audit Scotland carried out best value audits for each council and was now working with the Inspectorate of Education (HMIE) to agree a needs and achievements agenda for future audits, concluding that it was easy to illustrate changes in attainment and outcomes but, 'harder to show whether that is being achieved at the best value for money because of the range of different circumstances that each council faces' (Gardner, 03.20.10,

Col 3137). In answer to a series of questions from Ken Macintosh she said that there were gaps in public performance reporting and Audit Scotland would need to do a specific study to answer questions such as the ways in which councils spent on additional support for learning. The discussion moved on to consider the overall education budgets and that across the five years from 20003 – 2009, 'education spend[ing] increased by 25 per cent in real terms as an amount and that it increased slightly from 28 to 31 per cent of local government expenditure' (Gardner, 03.02.10, Col 3141). The convener concluded the session by asking the panel about improving educational attainment in the current environment, to which the panel responded with the differences between local authorities and the need for a better understanding of these differences.

The committee returned to this issue at their meeting on the 9 June 2010 when they heard evidence from COSLA officials. In her opening statement Barbara Lindsay set the background to the concordat agreement reached in 2007 between the Scottish Government and COSLA:

In some ways, many people see the 2007 settlement as being somewhat different from previous settlements, but for us it was just part of a continuum in which we recognised the need to have a relationship between local government and national Government. During the discussions on the 2007 settlement, it was clear that there was an appetite to develop that relationship further, alongside the resource negotiations. That led to the concordat, which covered the financial settlement, as well as aspects of the relationship. The concordat set out the framework for the relationship and the resources that were available to local government (Lindsay, 09.06.10, Col 3700).

The convener asked first about the relationship between national and local priorities. In her reply Barbara Lindsay said that in practice there were usually 'quite big overlaps' (Lindsay, 09.06.10, Col 3701) between what the Government and what local authorities wanted. The initial discussion covered the detail of the monitoring processes in place and the meetings held between the Government and COSLA to review implementation of the concordat. Kenneth Gibson then asked a number of detailed questions about baseline costs and the distribution process across authorities, in relation to achieving the targets set in the concordat. Robert Nicol replied, 'We see it as a better approach' (Nicol, 09.06.10, Col 3714) and went on to use the early years framework as an example of the way in which COSLA and the local authorities had achieved outcomes in the concordat. Ken Macintosh then asked about outcomes, to which Barbara Lindsay replied that the responsibility for that lay with each local authority. The discussion moved onto specific queries from committee members on impact of the placing requests on the agreement to reduce class sizes and the way in which funding of specific Government targets could be followed through the meetings between COSLA and the Government. The committee returned to this issue on the 16 June 2010 when the Cabinet Secretary gave evidence on local government funding. In his opening remarks Michael Russell listed



the planning and monitoring processes that were in place for education and children's services, with the focus, 'on our young people' (Russell, 16.06.10, Col 3750). In his opening question the Deputy Convener summarised the question raised by the committee with other panels, 'Should it be possible to track the public pound from policy commitment to spend to implementation?' (Gibson, 16.06.10, Col 3751). In his reply Michael Russell that discussed the move towards outcome-focused government and noted that this was a period of transition. He then gave an example of the way in which the Government had worked with COSLA to negotiate a new target on class sizes due to changing circumstances. The discussion moved onto the development of strategies and funding between COSLA and the Government, with Elizabeth Smith asking about sanctions for local authorities who did not meet agreed outcomes. Margaret Smith asked about the difference between ring-fenced money and funding that was used to provide 100 extra teachers to develop curriculum for excellence and Christina McKelvie about the challenge to local authorities to achieve agreed outcomes. Colin Reeves answered that question with a detailed explanation of the way in which the Scottish Government officials collected data on the 15 national outcomes from each authority. The meeting ended with a number of comments about the current development of curriculum for excellence in schools visited by members of the committee.

## **CURRICULUM FOR EXCELLENCE (ASSESSMENT FRAMEWORK)**

The committee took evidence from Michael Russell, about the assessment framework at their meeting on 10 February 2010, following the publication of the Scottish Government's Framework for Assessment on 20 January 2010 (Scottish Government, 2010). This followed from earlier work in 2008 when the committee agreed to return to Curriculum for Excellence to discuss assessment. The supporting papers issued to the committee for this meeting can be found at <http://www.scottish.parliament.uk/s3/committees/ellc/papers-10/edp10-04.pdf>.

| <b>Date of Committee</b> | <b>Witnesses</b>  |
|--------------------------|---|
| 10 February 2010         | <ul style="list-style-type: none"> <li>• Michael Russell MSP, <i>Cabinet Secretary for Education and Lifelong Learning</i></li> <li>• Jackie Brock, <i>Deputy Director, Curriculum Division, Scottish Government</i></li> <li>• Alison Coull, <i>Deputy Director, Qualification, Assessment and Skills Division, Scottish Government</i></li> <li>• Charlie Penman, <i>Team Leader, Assessment Branch, Scottish Government</i></li> </ul> |

The Cabinet Secretary made an opening statement to the committee in which he set the background to the development of the Curriculum for Excellence, for which the assessment framework set out, 'what we want children and

young people to achieve and how we will know that they are making progress towards those achievements' (Russell, 10.02.10, Col 3148). The convener first asked about the detail of resourcing the new arrangements, to which Michael Russell replied that discussions were underway with COSLA to ensure that the resources required were available. Elizabeth Smith asked about the involvement of all teachers in the assessment of literacy and numeracy, in response to which Michael Russell used an example of a cross curricular project on kite flying to demonstrate the ways in which teachers would assess across the curriculum. The discussion moved on to the different stages of assessment and the ways in which subject choice systems work in secondary schools. Margaret Smith raised the issue of teacher skills in relation to the new curriculum. In reply to this the Cabinet Secretary stated, 'I have an absolute commitment to the highest standard of teaching for Scotland' (Russell, 10.02.10, Col 3164). Alison Coull then described the development of the National Assessment Resource (NAR) which currently has resources for reading, writing and numeracy, recognising that, 'It will take time to populate NAR fully across curriculum areas, but we are confident that a range of support is already available' (Coull, 10.02.10, Col 3166). Michael Russell then listed the timescale for the further development of the curriculum:

It might be useful to remind ourselves of the timetable. We are where we are and a range of things will come this year. In 2011 we will have the arrangements documents for literacy and numeracy national qualifications. In 2012 national 4 and national 5 will be put in place. The final certification of standard grade and the first availability of literacy and numeracy qualifications will be in 2013. In 2014 we will have the first certification of national 4 and national 5, in dual run with the current intermediate qualifications. In 2015 we will have the final certification of the revised higher, in dual run with the current intermediate and higher qualifications. The current advanced higher will also have its final year in 2015 and the first certification of the new advanced higher will be in 2016 (Russell, 10.02.10, Col 3166).

The meeting then turned to the issue of teacher judgement and the internal assessment of national 4. Clare Baker and Margaret Smith asked about information for parents and employers about this assessment, in answer to which Michael Russell referred to the 4 curricular capacities. Christina McKelvie then asked why a paper on quality assurance was published at the same time as the assessment framework. In response to this Michael Russell talked about the need to develop assurance and moderation systems that continued to focus on raising standards through the new curriculum. The discussion then moved onto employer expectations and understandings of vocational outcomes, with related questions from Aileen Campbell on reporting to parents. Kenneth Gibson raised the issue of connections between the assessment framework and the principles of Getting it Right for Every Child (GIRFEC) (Scottish Government 2006) which led to a discussion of the importance of ethos and leadership in every school. Ken Macintosh followed

this with a specific question about modern languages and if they should be compulsory part of initial teacher education for primary teachers. Jackie Brock replied that, 'about 94 or 95 per cent of children in P7 are studying a modern language' (Brock, 10.02.10, Col 3179) which the Government would expect to continue under the new curriculum framework. Ken Macintosh reiterated his question and Michael Russell replied that he had suggested to Ken Macintosh that he talk to Graham Donaldson, who was chairing the review of teacher education to express his views. The meeting ended with a number of questions regarding stakeholder representation on the management board of Curriculum for Excellence. In his closing remarks the Cabinet Secretary commented that; 'the quality of what we achieve in the Curriculum for Excellence will be directly related to the quality of the input throughout not just the education sector, but the political sector' (Russell, 10.02.10, Col 3192).

## OFFENDER LEARNING

On the 24 February 2010 the committee heard evidence from Scottish Government officials and a representative of the Scottish Prison Service on offender learning. This followed the publication of the report on the offender learning project and related workstream reports on the 14 January 2010. The reports can be accessed at: <http://www.scotland.gov.uk/Topics/Education/skills-strategy/progress/sg/supportingindividuals/offenderlearning/OLPReports>.

| Date of Committee | Witnesses  |
|-------------------|--|
| 24 February 2010  | <ul style="list-style-type: none"> <li>• Hugh McAloon, <i>Employability and Skills Division and Offender Learning Advisory Group, Scottish Government</i></li> <li>• Melanie Weldon, <i>Enterprise and Employability for Young People Division and Youth Offending Workstream, Scottish Government</i></li> <li>• Sharon Grant, <i>Community Justice Services and In the Community Workstream, Scottish Government</i></li> <li>• Julie Bilotti, <i>The Employability Team Branch and In Custody Workstream, Scottish Government</i></li> <li>• Gary Waddell, <i>Offender and Community Outcomes, Scottish Prison Service</i></li> </ul> |

The meeting began with an opening statement from Hugh McAloon who reminded the committee that the aim of the project was to provide, 'a more streamlined and improved offender learning service' (McAloon, 24.02.10, Col 3194). The project was led by an advisory group and developed by officials in three related workstreams; youth offending, offenders in custody and adult ex-offenders in the community. The convener began the discussion with a question about motivation to learn, to which Hugh McAloon replied that it was the key question across the workstreams. Gerry Waddell added for the



Scottish Prison Service added that learning was positively encouraged by the service but there were difficulties in engaging all offenders. Kenneth Gibson asked about the responsibility and co-ordination of services needed to develop offender learning opportunities. In reply Melanie Weldon discussed the development of local partnerships but recognised that that employability services, 'do not necessarily join up terribly well with the justice services' (Weldon, 24.02.10, Col 3199). Aileen Campbell asked about the voice given to offenders in education programmes, to which Melanie Weldon replied that the youth offending workstream identified that as a key way forward with young offenders, 'giving young people a much bigger say in the design and development of the curriculum' (Weldon, 24.02.10, Col 3203). She went on to outline the challenge of engaging offenders and prisoners across the three areas:

The first is giving young people a voice—giving them a say in what happens to them. The second is personalisation of choice, which I have already mentioned. The third is relationships. The relationship does not have to be with a teacher—the youth worker approach is incredibly powerful in engaging young people, and the key worker or social worker approach probably works for adults. If we get the relationship right, we are halfway towards motivating people to learn and progress (Weldon, 24.02.10, Col 3204).

Ken Macintosh commented on the lack of evidence found by some of the workstreams, and asked if age was important factor. Gary Waddell replied that the approach of the Scottish Prison Service was the same across all ages. Ken Macintosh asked how many people moved onto a 'supportive educational environment' from prison or a young offenders' institute. This was not an area that either the Scottish Prison Service or the Government had figures for. The meeting then discussed the ways in which ex-offenders could be tracked in the community through work with voluntary organisations. Christina McKelvie followed this with a question about support for prisoners with learning difficulties, in particular dyslexia. In reply Gary Waddell outlined the involvement of Sir Jackie Stewart with Edinburgh Prison because of the quality of support prisoners with dyslexia had received. Hugh McAloon added to that the importance of connections between services to ensure that learning needs were met. The meeting closed with a discussion of the difficulties in meeting assessment criteria for some vocational qualifications in a prison environment.

## **SCHOOL CLASS SIZES**

The committee returned to the issue of school class sizes at their meeting on the 3 March 2010. This followed a decision made at their meeting on the 20th January 2010 to take further evidence on the Scottish Government's class size policy. To support the evidence the committee invited written submissions of evidence from each local authority, COSLA, the Association of Directors of Education (ADES), teaching unions, professional organisations and academics. They received 27 responses. The committee had previously

heard evidence on class sizes at a stand alone session on the 11 November 2009 (ELLC/S3/09/Col 2845). The history of the committee involvement in class sizes is summarised in the supporting papers for this meeting:  
<http://www.scottish.parliament.uk/s3/committees/ellc/papers-10/edp10-06.pdf>.

| Date of Committee | Witnesses   |
|-------------------|---|
| 3 March 2010      | <ul style="list-style-type: none"> <li>• Councillor Derek Mackay, <i>Renfrewshire Council</i></li> <li>• Robert Nicol, <i>Children and Young People, COSLA</i></li> <li>• Leslie Manson and John Stodter, <i>ADES</i></li> </ul>  |
|                   | <ul style="list-style-type: none"> <li>• Andrew Sutherland, <i>East Ayrshire Council</i></li> <li>• Maureen McKenna, <i>Glasgow City Council</i></li> <li>• Councillor Catriona Bhatia, <i>Scottish Borders Council</i></li> <li>• Jim Gilhooly, <i>South Lanarkshire Council</i></li> <li>• Terry Lanagan, <i>West Dunbartonshire Council</i></li> </ul> |
| 10 March 2010     | <ul style="list-style-type: none"> <li>• Michael Russell MSP, <i>Cabinet Secretary for Education and Lifelong Learning, Scottish Government</i></li> <li>• Michael Kellet, <i>Deputy Director for Schools, People and Places Division, Scottish Government</i></li> </ul>   |

The meeting began with a discussion about the targets agreed between the new Cabinet Secretary for Education and Lifelong Learning and COSLA of '20 per cent of primary 1 to 3 pupils across Scotland in classes with 18 pupils or fewer by August 2010' (Whitefield, 03.03.10, Col 3223). Derek Mackay replied that following this new agreement councils were confident that the target of 20 per cent would be met. He went on to explain that councils had to take their one third share of the reduction of the Scottish Government's reduced money from the United Kingdom Government although, 'In cash terms, the settlement is local government's best' (Mackay, 03.03.10, Col 3224). The convener disagreed with this statement but moved the meeting on to discuss flexibility in concordat agreements. Elizabeth Smith then asked about flexibility in the decision making process and the influence of headteachers in deciding the size of classes. John Stodter replied on behalf of ADES that it was better for headteachers to make decisions about the composition of classes, adding that the association welcomed the new agreement because of the flexibility it offered. Several committee members then asked questions about the setting of the target at 20 per cent, which it was agreed was to move forward from the current position of 13 per cent of primary 1 to 3 classes with 18 pupils or fewer. The discussion then moved on to the issues of implementing a policy across Scotland when each local authority had different needs. Clare Baker asked a number of questions about the relationship between the policy on class size and early intervention, Christina McKelvie about nurture groups and Aileen Campbell about team teaching in early years. In reply to these questions Leslie

Manson referred the committee to the detailed submissions from individual local authorities. The questions to this first panel concluded with a detailed discussion about the implementation of the concordat agreement.

The convener opened the questions to the second panel by asking about professional development for teachers working with smaller classes. In reply to this Andrew Sutherland described the development of teacher learner communities in East Ayrshire:

The nature of that type of work is such that, whenever teachers are working in classes – the class size may be 18 or 25 – another teacher can moderate and analyse the type of learning that is taking place in that particular environment (Sutherland, 03.03.10, Col 3221).

Terry Lanagan and Jim Gilhooly followed this with examples of the ways in which teacher professional development was structured in their local authorities. The discussion then moved onto the general Scottish target for classes and the discrepancies in achieving this across the 32 local authorities. Both committee and witnesses expressed concern that class size was only one part of the approach to raising attainment and was not, 'loaded with a golden bullet' (Lanagan, 03.03.10, Col 3259). The meeting ended with a discussion of the impact of parental placing requests for school places and the implications that had on the ability of local authorities to manage class sizes.

The committee returned to the subject of class sizes on the 10 March 2010 when they took evidence from the Cabinet Secretary and Michael Kellet. In his opening statement to the committee Michael Russell outlined the argument for the reduction in class sizes in relation to research evidence and international practice. He concluded with reference to 'the deal' (Russell, 10.03.10, Col 3287) with COSLA to achieve 20 per cent of primary 1 to 3 pupils in classes of 18 or fewer by August 2010. Kenneth Gibson welcomed his remarks and asked first about professional development for teachers working with smaller classes. In reply Michael Russell referred to the work being undertaken for curriculum for excellence:

Curriculum for Excellence is about supporting the personalisation of learning. By definition, that is about teachers getting the best return from investment in smaller numbers – essentially, it focuses down (Russell, 10.03.10, Col 3288).

Kenneth Gibson followed this with questions about the issue of team teaching and class sizes which the committee had discussed with the panel of witnesses on the 3 March 2010. The Cabinet Secretary felt that it was important not to be prescriptive and remain flexible about the different teaching approaches. The convener then asked why 20 per cent had been chosen as a target, to which Michael Russell replied, 'Twenty per cent was achievable and realistic' (Russell, 10.03.10, Col 3293). Margaret Smith asked about the differences between local authority approaches to all education targets that had been discussed in the first session of evidence on the 3 March 2010. Michael Kellet replied to this question, which related to differences in interpretation between

Borders Council and COSLA. Elizabeth Smith asked about the choice of 18 as the number for smaller classes. In reply to which Michael Russell referred to the outcomes of the STAR project. Ken Macintosh followed this with a question about the negative impact of the policy on class sizes in primaries 4 to 7. The Cabinet Secretary replied that the Government had no evidence of that happening. The committee then moved on to a range of questions on subjects related by local authority evidence to impact on class sizes: teacher numbers, the provision of free school meals and parental choice.

## **CHILDREN'S HEARINGS (SCOTLAND) BILL**

The committee considered Stage 1 of the Children's Hearings (Scotland) Bill during this period. They agreed their approach to the bill at their meeting on the 24 February 2010 and heard evidence from 7 panels of witnesses, on the 17 March, 14, 21 and 28 April, and 5 May 2010. The objectives of the bill were to 'strengthen and modernise the Hearings system and secure better outcomes for children' (ELLC/S3/10/8/1). The committee discussions were supported by a SPICe briefing paper available at: <http://www.scottish.parliament.uk/s3/committees/ellc/papers-10/edp10-08.pdf>.

The committee considered its draft report in private at their meetings on the 12 and 26 May 2010 and agreed a draft Stage 1 report at their meeting on the 2 June 2010.

## **ADDITIONAL SUPPORT FOR LEARNING (SCOTLAND) ACTS 2004 AND 2009**

The committee returned to these Acts at their meeting on the 12 May 2010 in order to debate subordinate legislation and negative instruments arising from the 2009 Act. The supporting papers and SPICe briefing are available at: <http://www.scottish.parliament.uk/s3/committees/ellc/papers-10/edp10-14.pdf>.

| <b>Date of Committee</b> | <b>Witnesses</b>   |
|--------------------------|--|
| 12 May 2010              | <ul style="list-style-type: none"> <li>• Rachel Sunderland and Ian Glover, <i>Support for Learning branch, Scottish Government</i></li> <li>• Robert Marr, <i>Solicitor in the Children, Education, Enterprise and Pensions division, Scottish Government</i></li> </ul> |

Rachel Sunderland spoke to each of piece of proposed legislation, linking that to the wide range of consultation exercises carried out by the Government from October 2009 to January 2010. The committee asked for further detail about Government reporting and the ways in which parents had been included in the consultation process. The meeting then considered the Supporting Children's Learning: Code of Practice (Revised Addition). In presenting the code to the meeting Rachel Sunderland highlighted the way in which significant additional support and placing requests were addressed. Christina McKelvie asked about the way in which the Implementation Group was going to address the

inconsistency in the use of co-ordinated support plans. Rachel Sunderland replied that the guidance in the Code of Practice should make systems and their use clearer for local authorities. Ken Macintosh asked about the advocacy service, which had gone out to tender. In the interim the Government was continuing to fund the Independent Special Education Advice (Scotland) to provide advocacy services. The committee made no recommendation as to the instruments and none on the Code of Practice. They agreed a draft report on the Educational (Additional Support for Learning) (Scotland) Act 2004 and 2009 – code of practice at their meeting on the 19 May 2010.

## SCHOOL ESTATES

The committee took evidence on this at their meeting on the 2 June 2010.

| Date of Committee | Witnesses  |
|-------------------|--|
| 2 June 2010       | <ul style="list-style-type: none"> <li>Keith Brown MSP, <i>Minister for Skills and Lifelong Learning, Scottish Government</i></li> <li>Michael Kellet, <i>Teachers Division, Scottish Government</i></li> <li>Julie Humphreys, <i>School Estate Team, Scottish Government</i></li> </ul> |

In his opening remarks Keith Brown welcomed the opportunity to discuss with the committee the school building programme. He reported that 260 schools had been built or significantly refurbished during the current parliament and referred the committee to the report Building Better Schools (Scottish Government, 2009) jointly published with COSLA. He then outlined the building programme of 55 new schools that the Scottish Futures Trust would deliver from 2011. The convener asked the Minister about the timescales of the developments and the sharing of costs with local authorities. Alasdair Allan asked about the alternative funding arrangements for new school buildings in Moray, Orkney and the Western Isles. Keith Brown described the detail of these funding arrangements and in answer to a follow up question from Alasdair Allan said that the Scottish Futures Trust was considering wider application of these funding models. The meeting moved on to debate the cost of the different procurement methods used to build schools through Public Private Partnerships and the Public Finance Initiative. The convener then asked for information to be passed to the committee on the savings the Government will make through moving to funding school buildings through the Scottish Futures Trust. The meeting then discussed the numbers of refurbished and new build schools, and the percentage of pupils who would be taught in them. A number of committee members expressed concerns that agreed school building would not go ahead in the current financial climate. The meeting ended with a series of detailed questions from Des McNulty MSP (attending) about the funding and maintenance costs of schools in East and West Dunbartonshire.



## **BUDGET**

The committee agreed their approach to the scrutiny of the Scottish Government Budget Strategy for 2011- 2012 in private, at their meeting on the 3 March 2010.

## **SUBORDINATE LEGISLATION AND NEGATIVE INSTRUMENTS**

The committee took evidence, debated and approved the following subordinate legislation and negative instruments related to education and lifelong learning during this period:

- The Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010 (SSI 2010/ draft)
- The Protection of Vulnerable Groups (Scotland) Act 2007 (Relevant Offences) (Modification) Order 2010 (SSI 2010/ draft)
- The Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Children) Order 2010 (SSI 2010/ draft)
- The Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Adults) Order 2010 (SSI 2010/ draft)
- The Additional Support for Learning (Appropriate Agencies) (Scotland) Amendment Order 2010 (SSI 2010/143)
- The Additional Support for Learning Dispute Resolution (Scotland) Amendment Regulations 2010 (SSI 2010/144)
- The Additional Support for Learning (Sources of Information) (Scotland) Order 2010 (SSI 2010/145)
- The Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2010 (SSI 2010/149)
- The Additional Support Needs Tribunals for Scotland (Practice and Procedure) Amendment Rules 2010 (SSI 2010/152)
- Protection of Vulnerable Groups (Scotland) Act 2007 (Vetting Information) Regulations 2010 (SSI 2010/189)
- Police Act 1997 (Alteration of the Meaning of Suitability Information relating to Children and Protected Adults) (Scotland) Order 2010 (SSI 2010/190)
- Protection of Vulnerable Groups (Scotland) Act 2007 (Health Professionals) (Health Service Lists) Regulations 2010 (SSI 2010/191)
- Protection of Vulnerable Groups (Scotland) Act 2007 (Prescribed Manner and Place for the Taking of Fingerprints and Prescribed Personal Data Holders) Regulations 2010 (SSI 2010/192)
- Protection of Vulnerable Groups (Scotland) Act 2007 (Administration of the Scheme) Regulations 2010 (SSI 2010/193)
- Protection of Vulnerable Groups (Scotland) Act 2007 (Unlawful Requests for Scheme Records) (Prescribed Circumstances) Regulations 2010 (SSI 2010/194)
- The Glasgow Caledonian University Order of Council 2010 (SSI 2010/198)

## REFERENCES

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- Scottish Government (2006) *Getting it Right for Every Child, Implementation Plan*. Online at <http://www.scotland.gov.uk/Publications/2006/06/22092413/0> (accessed 30/09/10)
- Scottish Government (2009) *Building better schools*, Online at <http://www.scotland.gov.uk/Publications/2009/09/22154600/0> (accessed 30/09/10)
- Scottish Government (2010) *Building the Curriculum 5: a framework for assessment*. Online at <http://www.scotland.gov.uk/Publications/2010/01/14141415/0> (accessed 30/09/10)